Publication (7) is a "telemetry system, in particular for medical purposes,"

Publication (9) is a "SURGICAL SYSTEM,"

Publication (10) is an "OPERATING DEVICE FOR MEDICAL-TECHNICAL SYSTEM WORKPLACES,"

Publication (11) is a "MEDICAL TREATMENT SYSTEM,"

Publication (12) is an "EYE TRACKING AND POSITIONING SYSTEM FOR A REFRACTIVE LASER SYSTEM";

Compare there respectively the designation under "54" and –with exception of publication (4) – the summary or the "Abstract" under "57" on the title page, the claims and description with the associated figures.

III.

1. With respect to the **following claims 2 through 7** or the subject matter of the following claims 2 through 7, which without an allowable claim 1 are not allowable and in whose subject matter something independently patentable cannot be seen at this time, the following is remarked:

1.1 [formal objections omitted].

1.2 [formal objections omitted].

1.3 With respect to the objective features stated in **claims 2 through 7** note should again be taken of publication (2) (see there, for example, text in paragraph "[0009]" spanning columns 1 and 2, paragraphs "[0013]" through "[0017]" in column 2, text in paragraphs "[0027]" and "[0028]" in column 4, text in paragraphs "[0100], [0101]" in column 13, text in paragraph "[0116]" in column 15) as well as of publication (8) (see there text from page 3, lines 7-22, text from page 18, line 11 through page 19, line 8).

Claims 3 and 7 are not allowable already on account of the stated defects in the above mentioned points 1.1 through 1.2.

IV.

[Procedural matters omitted]

Examination Group for Class A 61 B
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Enclosures: 12 references

English Translation of Pertinent Portions of German Office Action Dated June 3, 2004 in Counterpart German Patent Application 103 51 199.7-35

In this action the following references are cited for the first time. The numbering will apply for this and all further proceedings:

(1) US 5,712,460 A
(2) DE 102 21 787 A1
(3) DE 41 25 313 A1
(4) DE 695 27 537 T2
(5) DE 198 01 152 A1
(6) DE 197 30 456 A1
(7) EP 0 864 293 A1
(8) WO 02/14970 A2
(9) US 2002/0156466 A1
(10) US 5,777,602 A
(11) US 2002/0115917 A1
(12) US 6,280,436 B1

Besides the prior art explained and (obviously) set forth by applicant in the introduction of the specification as known (without declaration as to the place of discovery), publications (1) through (12) are considered by the examining group.

With the present documents, the grant of a patent cannot be expected, as a result of the following explanations.

I.

1 [formal matters omitted]

1.1 From publication (1) (see there the text in column 2, lines 20-53) there is known – with comparable object/problem solution – a

> control device for controlling electromedical appliances (1, 1') or appliance groups (2) (see above) (see there Fig. 1 with the objective features designated by the reference numbers 10, 12, 22, 16), including
>
> at least two pedal switches or similar switching devices (10) (see above) (see there for example Fig. 12: the "force sensitive resistors R1 to R5") for generating control signals to control the appliances (1, 1') or appliance groups (2) (see above) (see there "handpiece 16" as well as text in column 7, lines 4-25: "...by communicating an appropriate signal to an associated... system. Numerous other functions could be affected by bus 104"),
>
> pin and socket connecter or similar connection devices (20) (see above) on the switching devices (10), by which the switching devices (10) are connected with each

other (see there text in column 6, lines 48-51: "...connector 94... cable assembly 96... connected to the cable connector 98" in connection with text in column 6, lines 35 and following: "...or arranged in a matrix...in the form of resistors and a membrane having two layers of film substrate, one supporting interdigitaling conducting electrodes... The various... conducting paths are terminated at a connector 94..."),

Allocation devices (30), in order to allocate to the control signals to particular control functions with reference to the devices (1, 1') or appliance groups (2) (see above) (see there text from column 2, line 56 to column 3, line 18: "...predetermined function-activating areas...," as well as: "...switch... for controlling a predetermined parameter of..."), and

Information-transfer devices (40) for transmitting the control signals from the switching devices (10) to the appliances (1, 1') or appliance groups (2) (see above) (="communications bus 104");

Compare in publication (1): the notation under "54" and the "Abstract" under "57" on the title page, claims 1-10, text in column 1, lines 8-22, text in column 2, lines 20-53, from line 56 to column 3, line 18, text in column 4, lines 28-55, in connection with Fig. 2, text from column 5, line 38-column 6, line 51, particularly in connection with Figs. 1, 11 and 12, text from column 6, line 63 to column 7, line 26, in connection with Figs. 2 and 13, text from line 64 to column 8, line 14, in connection with the further figures and the respective associated description.

Consequently, a "control device..." with the objective features stated in present claim 1 and so far as understood is known from publication (1).

Claim 1 is therefore not allowable, since its subject matter – in so far as judgeable at this time – is not to be seen as novel in consideration of that which is known from publication (1).

The dependent claims 2 through 7 are not allowable on account of a non-allowable claim 1.

The examination group fails to recognize that with respect to the term "pin and socket connector" in present claim 1 in consideration, for example, of the existing Figs. 2 and 3 (obviously) a technical factual content could be meant, which at this time is not expressed in the wording of this claim 1 and which cannot be taken from publication (1); in connection with this possible technical factual content note should therefore be taken, for example, of publication (2) (see there, for example Figs. 8 and 12) or publication (8) (see there, for example, the Abstract under "57" on the title page and the text from column 2, line 27-column 3, line 2.

II.

Further, note is taken of publications (3) through (7) as well as (9) through (12), from which respectively technical factual contents are known, which may have a proximity to the subject matter of the application. There is known from

Publication (3) is a "process for controlling a treatment device...,"

Publication (4) is an "electronic pedal switch for ...surgery,"

Publication (5) is a "multifunctional pedal switch,"

Publication (6) is an "electrically operated medical device,"